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Letter dated 13 March 2002 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 12 March 2002, addressed to you by His Excellency Mr. Aytuğ Plümer, Representative of the Turkish Republic of Northern Cyprus (see annex).

I should be grateful if the text of the present letter and its annex were circulated as a document of the General Assembly under agenda item 62, and of the Security Council.

(*Signed*) Umit **Pamir**
Ambassador
Permanent Representative

02-29065 (E) 200302

Annex to the letter dated 13 March 2002 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to convey herewith a copy of a letter dated 6 March 2002 addressed to you by His Excellency Mr. Rauf R. Denktaş, President of the Turkish Republic of Northern Cyprus, concerning the unilateral change of the provisions for search and rescue (SAR) services within the Nicosia flight information region in disregard of the International Civil Aviation Organization rules and provisions of the 1960 treaties on Cyprus.

I should be grateful if the present letter and its appendix were circulated as a document of the General Assembly, under agenda item 62, and of the Security Council.

(*Signed*) Aytuğ **Plümer**
Representative
Turkish Republic of Northern Cyprus

Appendix

Turkish Republic of Northern Cyprus

President's Office

6 March 2002

I have the honour to bring to your kind attention the views of the Turkish Cypriot side concerning the unilateral change of the provisions for search and rescue (SAR) services within the Nicosia flight information region (FIR).

Greek Cypriot side issued a Notice to Airmen (NOTAM) number A0070/02 dated 7 February 2002 which stated that as from 1 March 2002, SAR services within the Nicosia FIR would be provided by the Larnaca Rescue Coordination Centre instead of the Episkopi Rescue Coordination Centre. This act of unilateral change not only totally ignores the established rules and procedures of the International Civil Aviation Organization (ICAO), but also pays no attention to the provisions of the 1960 treaties.

It should be noted that the provision of SAR services (within the context of Article 25 of the Chicago Convention and annex 12 to the same Convention) were taken over by the United Kingdom of Great Britain and Northern Ireland in the early 1950s during the establishment of the Nicosia FIR in accordance with ICAO rules and procedures, with regional agreement and approval of the ICAO Council. This has been recorded in the European Air Navigational Plan (EUR ANP) accordingly.

The 1960 treaties concerning Cyprus did not change this; they even enhanced it with an explicit provision. Any modification to these arrangements could only be possible with the consent of the parties to said treaties.

As far as ICAO rules and procedures are concerned, any change to the regional plan requires regional consultation and agreement.

The unilateral change of authority on provision of SAR regarding Cyprus is, therefore, against the ICAO rules and provisions of the 1960 treaties. Our objection on this matter has already been announced by our authorities through NOTAM No. 0009/02 dated 28 February 2002.

It is obvious that the mistake, which has been the main obstacle in the way of the 39-year-long efforts at reconciliation, has been repeated and the realities of the island ignored when it was decided to make this unilateral change of SAR services. I deem it, therefore, useful to once again underline the political and legal facts of the island.

The "Government of Cyprus" which issued the said NOTAM and is supposed to be responsible for SAR services within the Nicosia FIR, is an administration solely composed of Greek Cypriots, representing only the Greek Cypriot people and has no right or competence to extend those services to the territory, air space or territorial waters of the Turkish Republic of Northern Cyprus. The partnership Republic established in 1960 was destroyed through the force of arms by the Greek Cypriots in 1963. Since then, there has not been a government competent to represent the whole of the island. The Turkish Cypriot people have since been ruling

themselves and have been represented by their own State, the Turkish Republic of Northern Cyprus.

The Government of the Turkish Republic of Northern Cyprus, being the legitimate authority representing the Turkish Cypriot people and having exclusive authority on its own territory, has provided air traffic services (ATS), aeronautical information services (AIS) and alerting services (AS) within its territory and in the airspace above it as well as within the limits of Ercan Advisory Airspace (EAA) since 1977. The Government of the Turkish Republic of Northern Cyprus also has sufficient means for provision of SAR services within its territory and within the limits of EAA, as well as means of communication and coordination with adjacent SAR and ATS units of the Republic of Turkey.

It is evident that this unilateral handing over of SAR services, which not only contradicts the principle of political equality of the two sides, but is also contrary to the provisions of 1960 treaties and the political, legal and practical realities prevailing in Cyprus, will give wrong signals to the Greek Cypriot side and will not contribute positively to the ongoing efforts exerted towards establishing a new partnership on the basis of equality and to the new process which began on 4 December 2001.

(*Signed*) Rauf R. **Denktaş**
President